

Karen L. Handorf (admitted *Pro Hac Vice*)
Michelle C. Yau (admitted *Pro Hac Vice*)
Julia Horwitz (admitted *Pro Hac Vice*)
Mary J. Bortscheller (admitted *Pro Hac Vice*)
COHEN MILSTEIN SELLERS & TOLL PLLC
1100 New York Ave. NW • Fifth Floor
Washington, DC 20005
Telephone: (202) 408-4600
Fax: (202) 408-4699

Todd Jackson (Cal. Bar No. 202598)
Nina Wasow (Cal. Bar No. 242047)
FEINBERG, JACKSON, WORTHMAN &
WASOW, LLP
383 4th Street • Suite 201
Oakland, CA 94607
Telephone: (510) 269-7998
Fax: (510) 269-7994

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Charles Baird et al.,
Plaintiffs,
v.
BlackRock Institutional
N.A., et al.,
Defendant

Case No: 17-cv-1892-HSG

**STIPULATION AND ORDER TO MODIFY
CASE SCHEDULE**

BlackRock Institutional Trust Company,
N.A., et al.,
Defendants.

Pursuant to Northern District of California Local Rule 6-2, Plaintiffs Charles Baird and Lauren Slayton and Defendants Anne Ackerley, BlackRock Institutional Trust Company, N.A., Blackrock, Inc., Catherine Bolz, Chip Castille, Paige Dickow, Daniel A. Dunay, Any Engel, Nancy Everett, Joseph Feliciani, Jr., Michael Fredericks, Corin Frost, Daniel Gamba, Kevin Holt, Chris Jones, Philippe Matsumoto, John Perlowski, Ann Marie Petach, Andy Phillips, Kurt Schansinger, Tom Skroba, Jeffrey A. Smith, the BlackRock, Inc. Retirement Committee, and the Investment Committee of the Retirement Committee (collectively, the “Defendants”) by and through their respective counsel, stipulate and agree to the following:

1. On July 26, 2017, the parties filed a stipulation proposing a case schedule (ECF No. 54). On August 3, 2017, the Court granted this stipulation and adopted the parties' proposed case schedule. ECF No. 62.

2. With Defendants' consent, Plaintiffs filed an Amended Complaint on October 18, 2017 (ECF No. 75), which Defendants moved to dismiss on November 8, 2017 (ECF No. 79). The parties completed briefing on Defendants' motion to dismiss the Amended Complaint on December 22, 2017. ECF No. 92. Plaintiffs also filed a motion for relief under Federal Rule of Civil Procedure 56(d) on December 8, 2017 (ECF No. 85), and the parties completed briefing on this motion on January 4, 2018 (ECF No. 94). The parties understand that the Court has taken these motions under submission and will issue a written order. ECF No. 100.
3. Concurrently with the parties' briefing on Defendants' motion to dismiss and Plaintiffs' Rule 56(d) motion, the parties have been actively engaged in fact discovery. Horwitz Decl. ¶ 7. This fact discovery is still ongoing. *Id.*
4. The parties have conferred and have agreed that the existing case schedule does not appropriately account for the developments that have arisen in this case since July 26, 2017, including those described in paragraphs 2 and 3, above. *Id.* ¶ 9. The parties therefore stipulate and agree to the following modified case schedule:

Event	Deadline
Substantial completion of document production	March 30, 2018
Deadline to amend pleadings	April 23, 2018
Close of all fact discovery (with limited exceptions as noted below)	June 22, 2018
Parties exchange any expert reports on class issues	July 6, 2018
Parties exchange any expert rebuttal reports on class issues	August 5, 2018
Close of expert discovery on class issues	August 31, 2018
Plaintiffs file motion for class certification	September 14, 2018
Defendants file opposition to motion for class certification	October 15, 2018
Plaintiffs' reply in support of motion for class certification	October 30, 2018
Court issues class cert opinion (limited post-certification fact discovery on merits issues reopens)	TBD
Parties exchange expert reports on merits issues	30 days after class cert opinion is issued
Close of limited post-certification fact discovery on merits issues	45 days after class cert opinion is issued

Event	Deadline
Parties exchange rebuttal expert reports on the merits	30 days after parties exchange expert reports on merits issues
Close of expert discovery	14 days after parties exchange rebuttal expert reports on merits issues

5. The parties have not requested any previous modification to the case schedule.

6. There have been six previous time adjustments in this matter, none of which affected discovery or the trial date and each of which related to the motion to dismiss the original complaint and its hearing schedule. (ECF Nos. 28, 38, 48, 55, 82, 88.)

7. A declaration from Julia A. Horwitz, setting forth the reasons for the parties' request, is attached hereto as Exhibit A.

Dated: February 1, 2018

COHEN MILSTEIN SELLERS & TOLL, PLLC

By:

/s/ Nina Wasow
Nina Wasow

Karen L. Handorf (admitted *Pro Hac Vice*)
Michelle C. Yau (admitted *Pro Hac Vice*)
Julia A. Horwitz (admitted *Pro Hac Vice*)
Mary J. Bortscheller (admitted *Pro Hac Vice*)
1100 New York Avenue, N.W.
Suite 500, West Tower
Washington, D.C. 20005
Tel: (202) 408-4600
Fax: (202) 408-4699
khandorf@cohenmilstein.com
myau@cohenmilstein.com
jhorwitz@cohenmilstein.com

FEINBERG, JACKSON, WORTHMAN & WASOW, LLP

Nina Wasow (Cal. Bar No. 242047)
Todd Jackson (Cal. Bar No. 202598)
383 4th Street
Suite 201
Oakland, CA 94607
Tel: (510) 269-7998
Fax: (510) 269-7994
nina@feinbergjackson.com
todd@feinbergjackson.com

Attorneys for Plaintiffs

/s/ Meaghan VerGow

O'MELVENY & MYERS LLP

Meaghan VerGow (admitted *Pro Hac Vice*)
Brian Boyle (Cal. Bar No. 126576)
1625 Eye Street, N.W.
Washington, D.C. 20006
Tel: (202) 383-5504
Fax: (202) 383-5414
mvergow@omm.com
bboyle@omm.com

Randall W. Edwards (Cal. Bar No. 179053)
Adam M. Kaplan (Cal. Bar No. 298077)
Two Embarcadero Center, 28th Floor
San Francisco, CA 94111-3823
Tel: (415) 984-8700
Fax: (415) 984-8701
redwards@omm.com
akaplan@omm.com

Attorneys for Defendants

ATTESTATION

I attest that for all conformed signatures indicated by an “/s/,” the signatory has concurred in the filing of this document.

Dated: February 20, 2018

By: /s/ Nina Wasow

Nina Wasow

[

ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED: The above Case Management Stipulation and Proposed Order is approved as the Case Management Schedule for this case and all parties shall comply with its provisions. The Court sets November 29, 2018 at 2:00 p.m. for motion for class certification.

Dated: February 20, 2018, 2018

Haywood S. Gilliam, Jr.
Judge Haywood S. Gilliam, Jr.
U.S. District Court for the
Northern District of California